## CIVIL DOCKET

## UNITED STATES DISTRICT COURT

Jury demand date:

1-26-70(pltf) 1-28-70(deft)

D. C. Form No. 106A Rev. ATTORNEYS TITLE OF CASE For plaintiff: John Richards 5832/30 Lawrence A. McSoud & H. Lee Grigg St. Paul Fire and Marine Houston, Klein & Davidson Insurance Company, a 900-Home-Federal-Building Foreigh Corporation Tulsa: Oklahoma 74103 VS Ungerman, Grabel, Ungerman & Leiter 6th Floor, Wright Building Gary Brumley, minor, by his Tulsa, Okla 74103 Mother and Next Friend, Mrs. H. G. Brumley, Gary Grigg & Richards Brumley, an individual, and Attorneys, Suite 400 James C. Walker, M.D. Thurston Natl Bldg 6 East 5th Street Tulsa, Okla 74103 go but put notice For defendant: Floyd L. Walker (Dr. Walker)
Walker & Farrar and 405 Mayo Building, Tulsa Iverson & Jackman (Dr. Walker) 4/4/8 Fourth Natl. Bank Bldg. Fourth Natl. Bank Bldg. Tulsa, Okla. 74119 Paul W. Brightmire E.K. Smith; James O. 1503 Philtower Building Tulsa, Okla. 74103 LAST THE S R. B. McDermott, 1300 Natl. Bk. Tulsa Bl Tulsa, Okla. 74103 587-014 Continued Last A NAME OR REC. DISB. DATE COSTS STATISTICAL RECORD RECEIPT NO. 1-15-70 Houston 15 00 Clerk J.S. 5 mailed 2-1-10 -22-70 15 00 J.S. 6 mailed (0-1-72 Marshal Docket fee Basis of Action: Declaratory Judgment Witness fees

Depositions

Action arose at: Tulsa

Sheet No. 1

DATE	PROCEEDINGS	Date Order or Judgment Note
1-15-70	Complaint filed. Summons issued. m	
1-22-70	Summons returned, filed - served Dr. James C. Walker, personally	
•	at Tulsa; and served Mrs. H. G. Brumley, personally and for her	
	son Gary Brumley at their usual place of abode at Tulsa, Oklahoma;	
1-26-70	all on 1-22-70. (Fee \$11.88) b	
1-28-70	Demand for Jury Trial, filed by Plaintiff mis Answer and cross petition, filed, with demand for jury trial by deft	
2-12-70	Defendant Gary Brumley and Mrs. H. G. Brumley's answer, filed. ds	.m
2-18-70	Stipulation enlarging time for the plainting to plead or answer to	
7	the cross-complaint of the defendant, James C. Walker, M.D., filed h	
2-18-70	Order, attached to stipulation, that plaintiff is granted to March	
	12th, 1970 within which to plead or answer to the cross-complaint	
	(cross-petition) of the defendant, James C. Walker, M.D., filed.	
3-5-70	Application for enlarging time of the pltf. to plead or otherwise	
	answer to the cross-complaints of the defts Gary Brumley, a minor	
	by his mother and next friend, Mrs. H. G. Brumley, and James C.	
	Walker, M.D., with order granting pltf. until 3-21-70 to answer cross complaints, filed. (MME-Clerk)m	3S-
3-10-70	Request for admissions of fact under Rule 36, filedby defendant Walk	
3-10-70	Defendant James C. Walker's interrogatories to plaintiff, filed. ds	er, as
3-20-70	Application by piti. For extension of time within which to file	
	objections or to answer interrogatories, and to further extend the	ime
	with which to answer request for admissions, with order extending ti to 3-27-70 to do same, filed. (MME-Clerk)m	.me
3-23-70	Pltf's motion to strike or to dismiss and in the alternative, to gra	nt
and the same of th	S/J relating to the affirmative allegations and/or counter-claims of	و
	deft. Brumleys, filed, with leave granted to file brief within 3 day	7S.
3-23-70	(MME-Clerk)m	
3-23-10	Pltf's motion to strike affirmative allegations of deft. Walker, with leave granted to file brief within 3 days. (MME-Clerk)m	
3-27-70	Answers to interrogatories by the plaintiff, St. Paul Fire & Marine	
	Insurance Company, a foreign corporation, filed. ds	
3-27-70	Response by plaintiff to request for admissions - Denials and Ad-	
	mission of specific facts, and explanatory statement of inability to admit or deny, pursuant to Rule 36, filed. ds	•
3-27-70	Plaintiff's memorandum brief in support of its various motions to	
	strike the affirmative allegations of defendant Walker, to dismiss	
	the cross-petition and/or counter-claim of defendant Walker and in	
	the alternative, for summary judgment;	
	Plaintiff's memorandum brief in support of its motions to strike or to dismiss and in the alternative, to grant summary judgment relative.	nø.
	to the affirmation allegations and/or counter-claims of the defendant	
	Mrs. H. G. Brumley and Gary Brumley, filed. ds	
3-27-70	Plaintiff's objections to interrogatories propounded by the defendan	t,
	James C. Walker, filed. ds	
3-30-70	Plaintiff's memorandum brief in support of objections to interrogate	ries
4-2-70	propounded by defendant James C. Walker, filed. b Pltf's supplemental amendment to brief in support of its motions to	
	strike, to dismiss, and/or S/J relating to cross-petition and/or co-	nter-
	claim of deft. Walker, filed. m	
4-8-70	Ordered by the Court that the defendant Walker respond to the motion	1
	to strike affirmative allegations of defendant Walker and objections to Interrogatories propounded by defendant Walker; and that defendant	; .4
	Brumley respond to the stated motion directed against them and do so	LUS
	9Continued on Page No. 3, Sheet No. 2)	

DATE	PROCEEDINGS		
	with supporting briefs to each motion within 15 days from date. (Fred Daugherty - Judge) b	37	
4-10-703	Motion of defendant James C. Walker to require plaintiff to make full, complete and responsive answers to interrogatories heretofore	: :	
4-10-70	propounded, filed. ds maked Brief in support of motion to require full and complete answer to interrogatories, filed. ds maked		
4-11-70	Ordered by the Court that the plaintiff either comply with defendar Walker's motion to require the plaintiff to make full, complete and responsive answers to interrogatories propounded to it or if the same is contested, file a response thereto with supporting brief, within 10 days from date. (Fred Daugherty - Judge) b	t	
4-22-70	Responsive brief of defendant Walker relative to plaintiff's motions to strike, dismiss and for summary judgment, filed. ds		
4-22-70	Objections of plaintiff to the motion of defendant James C. Walker seeking to require plaintiff to make full, complete and responsive answers to the interrogatories heretofore propounded, filed. b make		
4-22-70	Plaintiff's memorandum brief in support of its objection to the motion of defendant James C. Walker to require full and complete answers to interrogatories, filed. b		
4-23-70 4-24-70	Response to plaintiff's motion to strike, filed. m (defts. Brumley) Defendant Walker's response and brief to plaintiff's objections to	malad	
5-6-70© 5-6-70 5-7-70	Walker's interrogatories, filed. ds marked	7	
5-8-70	Ordered by the Court that plaintiff respond to defendant Walker's motion for summary judgment with brief within 15 days of this date (FD-J) ds		
5 <b>-</b> 15 <b>-</b> 70 <b>5-15-70</b>	Notice to Take Depositions, by deft. filed. js Pltf's motion to quash the notice to take the deposition of Honorab Raymond W. Graham, filed. m	le	
5-15-70	Memorandum brief in support of pltf's motion to quash the notice of the taking of deposition of Judge Raymond W. Graham on Tuesday	i i	
	5-19-70, filed. m Response of James C. Walker, M.D., to pltf's motion to quash the notice to take deposition, filed. m		
5-19-70	Order granting pltf's motion to quash the notice to take deposition of Hon. Raymond W. Granam & quashing deft. Walker's notice to take depositions, filed. (FD-J)m (copies mailed)		
5-19-70	Return on deposition subpoena filed. Served Dr. John Matt at Sperry Okla. on 5-13-70. (\$4.40) Served Mary Dell Shilling at Tulsa, Okla. on 5-12-70. (\$2.00) Served Tom Bruner at Tulsa, Okla. on 5-14-70. (\$4.16) ds	3	
5-25-70	Application by plaintiff for extension of time within which to respect to the motion for summary judgment filed by the defendant Walker, filed. b	nd	
5-25-70 5-25-70	Order filed that the plaintiff have until May 30, 1970 to respond to the motion for summary judgment filed by the defendant Walker, filed Notice to Take Depositions, by defts, filed. js		
6-1-70	Response and brief of plaintiff, Relative to the motion for summary judgment of defendant, James C. Walker, M. D. filed. ds (Contd. P-4)		
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Sheet No. 2

Sheet No. 2				
DATE	PROCEEDINGS	Date Order or Judgment Noted		
6-5-70 6-10-70	Plaintiff's notice to take depositions of Samuel W. Fry, et al., fil Deposition subpoena returned, filed - served Samuel W. Fry by servin	g .		
6-12-70	R. W. McClendon, Chief Deputy Clerk, at Tulsa, Okla. on 6-8-70. (\$2.0 Deposition subpoena duces tecum returned, filed - served Gary Glanz	۵ ( ۵		
6-15-70	personally at Tulsa, Okla. on 6-10-70. b Amended deposition subpoena returned, filed - served Gary Glanz at Tulsa, Okla., on 6-12-70. (Fee \$2.48) b			
6-19-70	Order filed, plaintiff's motion to strike or to dismiss relating to the affirmative allegations and/or counter-claims of defendants, Brumleys is granted and motion to grant Summary Judgment is denied; plaintiff's motion to strike affirmative allegations of defendant Walker is granted; plaintiff's objections to interrogatories propoun	d		
	ed by the defendant, James C. Walker, sustained; motion of defendant			
	James C. Walker to require plaintiff plaintiff to make full, complet	9		
	and responsive answers to interrogatories heretofore propounded is			
	sustained; objections of plaintiff to the motion of James C. Walker seeking to require plaintiff to make full. complete and responsive			
	answers to the interrogatories heretofore propounded is overruled			
ath.	and plaintiff is to make full & complete answers to certain interro-			
alk in to	gatories; and motion for Summary Judgment of defendant James C.			
Aud C	Walker, M. D. is denied. (Fred Daugherty - Judge) copies mailed b			
6-29-70 7-8-70	Answers to interrogatories by plaintiff, filed. ds Deposition of John G. Matt, M.D., on behalf of pltf, filed. (Fees:			
1-0-10	\$154.00 pd by pltf.)m			
7-8-70	Deposition of Raymond W. Graham on behalf of deft. Walker, filed. (Fees: \$104.00 pd by deft. Walker)m			
7-8-70	Deposition of Marydell Shilling on behalf of pltf, filed. (Fees: \$99.00 pd. by pltf)m			
7-8-70	Deposition of Tom Hayes Bruner on behalf of pltf, filed. (Fees: \$24. pd. by pltf)m	00		
7 <b>-9-</b> 70	Depositions of A. B. Whitley and Gary Glanz on behalf of pltf, filed (Fees: \$19.00 pd. by pltf.)m (county File attached w/ Deposition)	•		
9-14-70	Ordered by the court that this case is set for pre-trial hearing on Thursday, September 24, 1970 at 1:15 P. M. (Fred Daugherty-Judge	)b		
9-15-70	Depositions of Donald L. Ives and Ronald Passmore on behalf of Deft. taken on July 22, 1970, (Fee\$140.00) filed. v			
9-15-70	Depositions of Dr. James C. Walker, on behalf of the Pltf., taken on July 1st and 14th of 1970. (Fee \$215.00) Filed. v			
9-15-70	Deposition of Dr. C. Dee Reyburn, on hehalf of the Pltf and Deft. Walker. Taken on August 10, 1970. (Fee \$87.00) Filed. v			
9-15-70	Deposition of Ronald Passmore, on behalf of the Deft. Walker. Taken on August 28, 1970. (FEE \$53.00) Filed. v			
9-16-70	Plaintiff's motion to compel party and witness to answer oral inter-			
9=16-70	rogatories on deposition, filed. b made a Plaintiff's brief in support of motion to compel party and witness			
9-16-70	to answer oral interrogatories on deposition, filed. b Plaintiff's notice to take depositions of Bob J. Clark, et al., filed.	b		
9-18-70	Three (3) deposition subpoenas returned, filed - Ben F. Baker, Bob J. Clark and Ronald Shaffer, each personnally at Tulsa, Okla., on 9-17-70. (Fees \$6.00) b			
9-24-70	Motion of defendant James C. Walker to limit plaintiff's discovery under Rule 30 (b) and (d), filed. g			
9-24-70	Memorandum brief in support of defendant Walker's motion to limit   discovery under Rule 30, filed. g			
	(Continued on Page No. 5, Sheet No. 3)	Company of the Compan		

D. C. 110A Rev	. Civil Docket	Continuationeet	No.	3
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D. C. 110A Rev. Civil Docket Continuation V. 3				
DATE	PROCEEDINGS	Date Order or Judgment Noted		
9-24-70	Pre-trial hearing ;held, statements made, all parties waive jury trial, parties to secure counsel to try the case, plaintiffs grante until October 20, 1970 to file motion for summary judgment and brief, defendants granted until November 15, 1970 to file response with brief. (Fred Daugherty = Judge) b (LC-CSR) b			
9-28-70	Minute Order: It is ordered that the defendants respond to plaintimotion to compel party and witness to answer oral interrogatories of deposition, with brief, within 15 days and if defendants do not desto oppose plaintiff's motion, to provide the information sought, and if plaintiff desires to reply to any objections and brief filed by defendants as directed by the Court they do so within 20 days; and defendants are directed to present objections, if any, to the production of Dr. Passmore's records sought by plaintiff, with brief within 15 days. (Fred Daugherty - Judge) b	n I re		
9-30-70	Stipulation with an exhibit attached, filed. v			
9-30-70	Stipulation with exhibits attached, filed. v			
9-30-70	Order, filed, defendant, James C. Walker's motion to limit plaintiff's discovery under Rule 30(b) and (d) is overruled. (Fred Daugherty - Judge) b copies mailed counsel.			
10-5-70	Defendant James C. Walker's Interrogatories Numbered 76 to 87, Inc., directed to plaintiff, filed. v			
10-13-70	Stipulation of Depositions of Jack Morgan, Ron Shaffer, Ben Baker, a Bob J. Clark, on hehalf of Pltf., taken before the undersigned Certified Shorthand Reporter for the State of Okla. (Fee \$30.00) Taken by Tulsa Reporting Service. Filed. v			
10-16-70		- Licher		
10-16-70	Objections to proposed Interrogatories, filed by Pltf. Filed. v Brief in Support of Objections to Proposed Interrogatories, filed. v Minute Order: It is ordered by the Court that the defendants are granted until 10-23-70 within which to respond to plaintiff's motion to compellparty and witness to answer oral interrogatories on			
	deposition. (Fred Daugherty - Judge) b			
10-20-70	Motion for Summary Judgment by Plaintiff, filed. v (FD-J) Brief in support of Motion for Summary Judgment, filed. v			
10-20-70	Plaintiff's notice of motion for protective order limiting examination upon written interrogatories, filed. b Student	on		
	Order filed, that it does not appear that plaintiff has complied with Rule 33(a); that Plaintiff's objections to proposed interrogatories and brief in support thereof and notice for protective order limiting examination upon written interrogatories are all ordered stricken from the record of this case and plaintiff is directed to comply with the provisions of Rule 33(a), F.R.Civ.P., 28 USCA within 15 days from date. (Fred Daugherty - Judge) copies mailed			
	Minute Order: It is ordered by the Court that the defendants respond to plaintiff's motion for summary judgment, with brief, within 15 days from date. (Fred Daugherty - Judge)			
	Order filed on motion of plaintiff to compel party and witness to answer oral interrogatories on deposition - ordered that defendant Waand witness Passmore under oath, in writing, answer plaintiff's interrogatories propounded to them by deposition, which are attached	lker		
11-4-70	to plaintiff's motion and do so within 15 days. (Fred Daugherty-Judge Objections to Interrogatories filed by plaintiff.h Brief in support of objections to interrogaotories filed.h			
11-6-70	Ordered that Deft. is granted 5 additional days to file response to pltf's motion for S/J. (FD-J)m (Continued on Page No. 5, Sheet No. 2			
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DATE	PROCEEDINGS		
11-12-70	Defendant Walker's response to plaintiff's motion for summary		
11-12-70	judgment, filed. b Mal Defendant Walker's brief in response to St. Paul's motion for summar	rv judgment.	
11-12-70	filed. b male Defendant Walker's answers to questions propounded on deposition,	, , ,	
11-16-70	filed. g Defendant Walker's motion for an order to compel discovery under		
•	Rule 37(a) by requiring plaintiff to answer Walker's interrogatories No. 76 to 87, inclusive, filed. b		
11-16-70	Brief in support of defendant Walker's motion for an order to compel discovery by answering interrogatories No. 76 to 87, filed. b		
11-24-70	Order filed that plaintiff's objection to Interrogatory 77 is overruled; plaintiff's objections to defendant Walker's interrogatories 76, 77, 78,80,82, 84 and 86 are overruled and plaintiff is ordered to answer them within 15 days; plaintiff's objections to		
	defendant Walker's interrogatories 79, 81, 83, 85 and 87 sustained. (Fred Daugherty - Judge) copies mailed to counsel b		
.11-24-70	Reply brief of plaintiff in support of its motion for summary judgment, filed. b		
12-3-70	Defendant James C. Walker's interrogatories No. 82 to 92, inclusive, directed to St. Paul Fire & Marine Insurance Company, a foreign		
12-9-70	corporation, filed. b Answers to interrogatories by the plaintiff, St. Paul Fire & Marine Insurance Company, a Foreign Corporation, pursuant to the order of		
12-9-70	the Court dated November 24, 1970. Filed. v Answers to interrogatories by the Plaintiff, St. Paul Fire & Marine Insurance Company, a Foreign Corporation, Filed. v	A	
12-18-70 12-18-70	Defendant James C. Walker's renewed motion for summary judgment, fill Defendant James C. Walker's brief in support of his renewed motion for Summary Judgment. filed. b	ed.b	
12-23-70	Defendant Brumley's response and motion to defendant Walker's renewed motion for summary judgment, filed. b market	d	
1-4-71	Order filed that plaintiff's motion for summary judgment is denied. (Fred Daugherty-Judge) b copies mailed counsel.		
1-6-71	Order filed that defendant Gary Brumley's motion filed 12-23-70 and response to Walker's renewed motion for summary judgment is stricken for failure to comply with Rule 13 of this Court. (Free Daugherty - Judge) copies mailed. b		
1-6-71	Copy of letter to Lee Grigg that the plaintiff respond to defendant Walker's renewed motion and brief within 15 days from date. b	-	
1-18-71	Ordered by the Court that the plaintiff have 10 additional days, to January 31. 1971 to file response brief to Walker's renewed moti	on	
1-21-70	for summary judgment. (Fred Daugherty - Judge) EPL to notify. b Supplement to defendant Walker's brief in support of renewed motion for summary judgment, filed. b		
2-1-71	Response of plaintiff to defendant Walker's renewed motion for summa judgment, filed. b	ry jud	
2-9-71 2-10-71	Defendant Walker's reply to St. Paul's response, filed. b made Deposition of Floyd L. Walker, for Plaintiff(\$58.00) filed. js		
2-18-71	Brumley's reply to plaintiff's response to Walker's renewed motion for summary judgment, filed.		
3-23-71 4-5-71	Order that defendant Walker's renewed motion for S/J is overruled, filed. (FD-J)m (copies mailed)	7.7	
エージー (エ	Ordered by the Court that this case is set for pre-trial on Wednesda April 14, 1971 at 11:40 A. M. (Fred Daugherty - Judge) b (Continued on Page No. 7. Sheet No. 4)	J 9	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-14-71	Pre-trial hearing held, defendant Walker withdraws his waiver of jury trial and requests jury trial and it is granted. Paul Brightmi directed to hire an attorney within 10 days. Floyd Walker states R. B. McDermott is his attorney. Parties requested to file requested instructions within 30 days. Plaintiff to file brief on positive prand extensive fraud within 15 days and defendants 15 days to file answer brief. Plaintiff to prepare pre-trial order within 20 days. To be set on jury docket. (Fred Daugherty - Judge)	
4-26-71 4-30-71		
	judgment action, filed. g	
5-13-71	Defendant James C. Walker's Memorandum Brief as to Burden of Proof i 'Extrinsic' Fraud Action, filed. r	n
5-17-71 7-8-71	Plaintiff's request for instructions, filed. b Pltf's Notice of take Deposition of Dr. Dorothy Danna, filed. r	
8-24-71 8-24-71	Notice to take Deposition of Dr. Bill Wright on 8-27-71, Filed, r Ordered that this case be set for Jury Trial on Wednesday, October 20, 1971 at 10:00 A.M. (FD-J)r	
9-1-71 9-10-71 9-24-71	Defendant Walker's interrogatories to plaintiff, filed. g	ff
9-28-71	Motion of Plaintiff for enlargement of time in which to answer deft.  Dr. James C. Walker's interrogatories, filed. v. mailed.	
9-28-71	Brief in support of the motion for enlargement of time in which to answer Deft.'s interrogatories, filed. v (order accompanied thi	s)
10-4-71	Letter dated 9-29-71 from Deft. Boesche, McDermott & Eskridge to J.D. stating that they have no objection to the requested extension of time for pltf to answer interrogatories, filed. r	
10-4-71	Order granting pltf. an extension of time until the 10th day of October 1971 to answr the deft's interrogatories. Filed. (FD-J)r	
10-8-71	Motion of Plaintiff for enlargement of time in which to answer defendant Dr. James C. Walker's Interrogatories, filed. v	3
10-8-71	Brief in support of the motion for enlargement of time in which to answer defendant's interrogatories, file. v (accompanying order &co	9macak
10-14-71	Order for enlargement of time for pltf to answer Deft's Interrogator allowed an enlargment of time until 10-30-71 to answer interrogatorie filed. (FD-J)r	ies.
10-14-71	Ordered by the Court that this case be stricken from the Jury Docke of Wednesday, October 20, 1971. (FD-J)r	t
11-1-71	Plaintiff's answers to interrogatories propounded by defendant Walke filed. v	r,
1-17-72	Case set for Jury Trial on Monday, February 14, 1972 at 9:30 A.M. (1	D-J)r
2-9-72 4-17-72	Case stricken from Jury Trial on Monday, February 14, 1972, (FD-J)r Case set for Conference of Judgment at 12:00 P.M. on April 19, 1972 (FD-J)r	
4-19-72	Conference of Judgement hearing held. Pltf represented by Irvine Ungerman, Andra Schlanger; Deft. rep. by James O. Ellison (Brumley)	
	Paul Brighmire (Brumley) Floyd Walker (Walker) and Warren Jackman (Dr. Walker) Statement made as to release of Judgment. Parties to file motion to withdraw any allegations of fraud against attys an submit to the Court with Order. (FD-J)r	d .
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DATE	PROCEEDINGS		Date Order or Judgment Noted	
5-3-72 5-8-72	Order dismissing Co	ction with prejudice, signed by all parties, file mplaint and Cross-Petition and all affirmative with Prejudice, filed and entered.(FD-J)r (Copie )	"	
		Continued From Page 1		
		ATTORNEYS		
		For plaintiff: Ungerman, Grabel, Ungerman & Leiter 6th Floor, Wright Bldg. Tulsa, Oklahoma 74103 (584-6101)  Lee Grigg Grigg & Richards Thurston Natl Bldg. 6 East 5th Street Tulsa, OIklahoma 74103 (584-2583)		
		For defendant: L. K. Smith & James O. Ellison(Brumley) World Building Tulsa, Oklahoma 74103 (587-0005)  Iverson & Jackman (Dr. Walker) Fourth National Bank Bldg. Tulsa, Oikahoma 74119 (582-4161)  Floyd L. Walker (Send Notices) (Walker) Walker & Farrar 405 Mayo Bldg. Tulsa, Oklahoma (584-4136)  R. B. McDermott (584-4136)		